

January 4, 1957

Mrs. Mildred P. McKay
State Librarian
Concord, New Hampshire

Dear Mrs. McKay:

At a recent conference you discussed with me the proposal of an individual to make a gift of money to the State Library. As I understand the facts, the donor has indicated in a general way the purposes for which she would wish the money to be expended. Specifically, she has expressed an interest in seeing the present gift used for two purposes - in the giving of certain formal instruction to librarians, and in the purchase of books to be exchanged among cooperating libraries. The donor has further indicated that she may wish in future years to make further gifts of money - but in no way has she committed herself to such a program.

Under the provisions of RSA 201:22, the State Library Commission is authorized to accept gifts from private sources "for providing and equalizing public library service in New Hampshire. RSA 201:22 indicates the meaning of the Legislature in the use of the phrase "equalizing public library service" just quoted above. Obviously the phrase is of exceedingly broad import; in our opinion it would specifically embrace the purposes indicated by the donor with respect to the present gift.

The authority of the Commission to accept gifts under the statute cited is to be exercised wholly at its discretion and with the sole limitation that the gifts be used for the statutory purposes. The employment of such gifts is to be governed by rules and regulations made by the Commission. In the case of any gift the Commission may adopt as its rules and regulations the terms and conditions set forth by the donor.

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so long as such terms and conditions come within the limitation suggested. With respect to the present gift, then, the Commission may by formal action accept the gift and at the same time provide for the manner of its employment in accordance with the wishes of the donor by rules and regulations.

Such rules and regulations may, of course, be changed from time to time as the Commission shall deem proper, and they may vary from gift to gift from the same donor if such be the wish of the donor and if approved by the Commission within its statutory authority.

Very truly yours,

Warren E. Waters
Deputy Attorney General

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